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# Account and Contest

Between the Old and New

## A D V E N T U R E R S

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*B E D F O R D - L E V E L L ;* *K*

CONTAINING

365000 Acres of Fenns, lying in *Norfolk, Suffolk,*  
*Cambridge-shire, Huntington-shire, Northham-*  
*pton-shire, Lincoln-shire, and the Isle of Ely.*

Humbly represented (by the Parties dispossess'd of their shares  
therein) to the Right Honourable the Lords of His  
MAJESTY'S Privy Council;

In pursuance of an Order there the 24<sup>th</sup>. of Octob. 1662.



*Johnston*  
*My Dear*  
*Far*

L O N D O N, Printed in the Year 1663.



*The Method of this Narrative.*

<sup>1</sup> **H**is Majesties and Councils Order, dated the 24. of Octob. 1662. (upon hearing the Case between the old *Adventurers dispossess* of their *shares*, and the new *Adventurers possessing*. p.1.

<sup>2</sup> The Order of the Committee of the Lords for the new *Adventurers* to deliver in their accounts to the parties *dispossess*, p.4.

<sup>3</sup> The Account as it was delivered in, to which is added a short *Marginall answer* by the old *Adventurers*.

<sup>4</sup> A more general answer by the old *Adventurers* to the said account; first, shewing the *legality* of the old *Adventurers* title under *Lyn law* and *Royal charter*, their original *Charges*, and what *Rivers*, *Cuts*, *Drains* and *Sluces* they made (in six yeares) of use to this day, (p.5.) secondly, that the new *Adventurers* title is from a pretended *Act* in 1649. (p.6.) whereby they had power to levy *taxes*; thirdly, those *taxes* affirmed to be *illegal*, *unjust*, and *unnecessary*, p.7.

<sup>5</sup> Those irregular *taxes* were the cause of the former and present *complaints* to the *Parliament*, p.8.

<sup>1</sup> By reason of various *Interests* pretended to be in the *King* and *Duke*, &c.

<sup>2</sup> Upon Questions of the fourteenth part *Deed*:

<sup>3</sup> By reason of a new *Bill* promoted, where either the old *Bill* depending, or *Lyn law*, or the *Charter* unrepealed, had been sufficient.

<sup>4</sup> By delays of temporary *Acts*, &c. which were obtained by the new *Adventurers* meerly to continue possession, p.9. 6. A



6 A more particular *answer* to the particulars of the new Adventurers *account*, according to the method of the *Order* of the 24 of Oct. at Council, consisting of four directions; 1 that the old *Adventurers* do bring in their expences since 1649. (p 9) 2. the value of the Lands of which they are *dispossest* (*ibid.*) 3. the charges at which they have formerly been at, (p.10.) 4. their *exceptions* to the new *Adventurers account*, (*ibid.*) which are,

1. To their *draining*, *ibid.* 2. to their *improvement*,  
page 11.

7 Then after these particulars the parties *dispossest* do speak to 1. their *summe totall*, (p.12.) 2. to their making 4000 acres *Creditor*, (*ib.*) 3. to their *value* of the Lands at 2 s. 6 d. per acre,  
p.13.

8 The old *Adventurers account* stated two ways, both out-balancing the new *Adventurers account*, p. 14, and 15.

9 The new *Adventurers proceedings* not according to the said *Order of Council*, p.16.

10 The several *Interests on foot* about their two *titles* and that *Levell* (p.16,17.) and therein from whom onely the parties *dispossest* to aim to get *re-possession*, with *reasons* and *examples*.

11 And the *Vote* of the *House of Commons* in order to it, p. 19.

12 The *Earl of Arundels* and *Coll: Sandys* particular *Cases* humbly represented to your *Lordships*, by *Sir John Pettus Knight*.



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# At the Court

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## WHITE-HALL

The 24. of October, 1662:

P R E S E N T

The *KINGS* Most Excellent *MAJESTY*,

His Royal Highness the D. of *York*

His Highness Prince *Rupert*

Lord *Chancellour*

Lord *Privy Seal*

Duke of *Albermarle*

Marquess *Dorchester*

Lord *Chamberlain*

Earl of *Portland*

Earl of *Saint Albanes*

Earl of *Sandwich*

Earl of *Carlisle*

Earl of *Lauderdaile*

Lord *Wentworth*

Lord *Seymor*

Lord *Hatton*

Lord *Holles*

Lord *Ashley*

Sir *William Compton*

Mr. *Treasurer*

Mr. *Vice-Chamberlaine*

Mr. *Secr. Morice*

Mr. *Bennet.*



HEREAS upon the humble Petition of the Adventurers for draining the *Great Levell* of the Fenns, called *Bedford Levell*, Representing that both Houses of *Parliament* had by their Order of the 19 of *May* past, humbly recommended to his *Majesty* to be graciously pleased to hear and settle the differences between the said *Adventurers*, And thereupon His Majesty by His reference of the sixth of *July* last was graciously pleased to ap-

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point the hearing of the Matters contained in the Petition this present 24 of *October*, At which time many of the *Adventurers* appearing, and Council learned being heard, both on the behalf of such of the new *Adventurers* as had by vertue of a pretended Act of Parliament, made by the Usurpers *Anno 1649.* sold and disposed 35000 acres of Land belonging to other *Adventurers*, for not payment of *Taxes* in pursuance of the said pretended Act, and also of the part of other *Adventurers*, who by that means had since the making of that Act been *dispossessed* of their severall shares in the said 35000 acres. After serious consideration of the whole matter, and of the best means to compose and settle the differences between the said *Adventurers*, It was ordered by his Majesty present in Council, That the Lord Chancelour, the Lord Treasurer, the Lord Privy Seal, the Lord Chamberlain, the Earl of Portland, Saint Albanes, and Carlisle, the Lord Holles, the Lord Ashley, and the two Secretaries of State, or any four or more of them, calling to their assistance such of the Judges as they shall think fit, should be a Committee to hear, examine and compose (if they can) the Differences between all the said *Adventurers*: And to that end it was also ordered, That

1. the new *Adventurers* do forthwith prepare the accompt of the charges they have been at in draining and improvement of the
2. 35000 acres since the making of the said pretended Act *Anno 1649.* together with the yearly value thereof, As also that the other *Adventurers*, who have been dispossessed of the said 35000 acres by vertue of the said pretended Act, do likewise prepare their Accounts
1. since that time (if they have any) with Estimates of the mean profits of the said Lands, together with their charges, and to make such
2. Defalcations as they can from the new *adventurers* said accounts;

And when either party shall be ready, that they give notice to the Clerk of the Council attending, who thereupon is required to advertise the Lords of the Committee thereof, that so their Lordships may appoint some fit time and place to receive all

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such *accounts, charges and defalcations*, and thereupon to *endeavour* to compose the difference between the said Adventurers (if possibly they may) or otherwise to *report* to his Majesty the state thereof, and what they conceive fit to be done therein.

And it was further ordered, That the Petition and Paper of Colonel *Robert Philips* this day likewise read at the board, be referred to the said Committee.

Edw: Walker.



At White-Hall the 14. of Novemb. 1662.

By the Lords the Referrees appointed by the Board, about  
the *Great Bedford Levell* of Fennes.

**I***t was this day Ordered, That the New Adventurers of Bedford Levell of Fennes, do forthwith deliver unto the other Party, or their Solicitor, their Accounts, to the end both parties may be prepared, and be ready to attend the said Lords Referrees at the Lord Chancellours house upon Monday the four and twentieth of November instant, in the afternoon at three of the Clock.*

**Richard Brown.**

*Memorandum,*

Whereas the aforesaid Order of Council mentions 35000 acres, the parties dispossess'd did and do claim at least 53000 acres, as will be manifested in the following Narrative, which is here mentioned to prevent any future mistakes.

# The Answer of the parties Disposselt.

empt for Moneys expended upon each Lot of 4000. Acres, for Draining, &c. contain-

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## D R A I N I N G.

ave not performed your *Lordships Order* of the 24. of *Octob.* (nor pursued the *Preamble* of their  
their account to be an account of moneys expended for *Draining* and *Improvement*) for they  
the *Tax-roll*, of what hath been imposed upon the Lands, but not out of the *Expenditors Book*  
or *Improvement*.

## I M P R O V E M E N T.

onsisting of eight Paragraphs, the parties disposselt do particularly answer.

1. *Chafocking* or *burning* of the Lands, is a charge born by the under-ten-  
dound to their advantage, but to the parties disposselt, is a great prejudice, and theretore  
to publick charge, nor to be allowed by the parties disposselt.
2. *Formed* in every Lot by the first adventurers under whom the parties disposselt do claim: but pos-  
visions were made by the new *Adventurers* since 1649. but they are also to be considered as the
3. *of sub-tenants*, and very rare to be seen in that *Level* (it may be) upon a part of some one Lot,  
divisions, and not publick.
4. *Allowed*, when the parties were disposselt, and they have no reason now to allow them upon  
seen in any Lot, and those that are, are according to the nature of the *Tenancy*, so, being pri-  
5. *Ed*.
6. *publick use*, there is *Toll* paid: for those of private use, they cannot be brought to publick ac-  
nature, and employed to different use.
7. *Obedience* to the Act of Oblivion, and not otherwise, the parties disposselt do not make any  
it.
8. *Ed* will allow all *just salaries* when they are brought into account, but not *extravagancies*.

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et forth in the following *Narrative*.

2. *griev*  
spect and the disputes of the *Countrey*, that also is fully set forth in the ensuing *Discourse*.

3. *the p*  
detail s. 6 d. per acre, we cannot admit that low value.  
viding Taxes inserted in their account, Fig. 1. 2. & 6. and so not probable.  
4. *agraph* of their account for *Improvements*, where they say that the publick *Tax* came to 3 d  
1653: *Countrey* valued those Lands at 10 s. per acre (the publick *Assessment* not usually exceeding  
recent.  
Mr of your *Lo*ships please to peruse the following *Narrative*, the whole matter is more fully dilat

The new Adventurers Account given in by them according to an Order of the 24. of Octob. 1662. at the Council Table.

An Account of Money expended for Draining and Improvement of the Lands purchased for non-payment of Taxes since May 1649.

Every Lot of 4000. Acres, parcel of the Acres allotted for draining the great Level Fennes, is (DEBTOR) viz.

DRAINING.

1. That part of the said Level lying on the North side of Bedford River was adjudged, drained, and the Taxes then paid, came to 12 s. 6 d. per Acre, the which for one whole lot of 4000 acres came to 1. s. d.  
2500.00.00.
2. The other part of the said Level lying on the South side of Bedford River was adjudged drained, and the Taxes then paid from the 26. of March 1651. the first adjudication came unto 1 l. 00 s. 11 d.  $\frac{1}{2}$ . per acre, the which for one whole lot of 4000 acres came to 4191.13.04.
3. Taxes from the said 26. March 1653. till 29. Sep. 1653. at which time the participants charge themselves with profits received, came unto 3 l. 00 s. 10 d.  $\frac{1}{2}$ . per acre, the which for one whole lot of 4000. acres came to 0750.00.00.
4. The Interest of which said severall summes from the several times the same were paid, after the said 29. May 1649. before 29. Sept. 1653. being above four years, estimated at 1138.10.00.
5. The Interest for the principal money expended from the said 29. Sept. 1653. which for one whole lot comes to 744 l. 13 s. 4 d. at 445 l. per ann. for nine yeares and a half to be ended at Lady day 1663. comes to 4247.10.00.
6. The draining taxes imposed upon every whole Lot of 4000 acres from Michaelmas 1653. till Lady day 1663. amount to twenty five shillings three pence per acre, which comes to 1000.00.00.

IMPROVEMENT.

1. Charges of hawking and burning of every whole lot of 4000 acres to make it fit for culture, costs 1000.00.00.
2. Interest for the same for 9. years and half, from Michaelm. 1653. to Lady day 1663. 20540.00.00.
3. The sub-dividing of every Lot of 400. acres into 50. acres pieces and under by ditching >
4. The planting of Quick-fets, Oziers and other wpod, upon every Lot of 4000. acres >
5. The Buildings erected for Habitations, Barns, Stables, and other Accommodations upon every Lot of 4000. acres >
6. For Gates posts, Rails and Pales to sever the Grounds and Bridges for passages, for every Lot of 4000. acres >
7. Taxes and Assessments for Arms and other publick Charges at 3 d. per acre, imposed by the late pretended Authority, and since his Majesty's happy return, upon every Lot of 4000. acres per ann. 50 l. for eight years comes to >
8. Bayliffs Wages and Travelling charges, to let and dispose of every Lot of 4000. acres at 50 l. per ann. for nine years and half, ending at Lady day 1663. >

1. The totall Charge upon every Lot of 4000. is	22192.13.04.
Toward which to be discounted by Profits received	04750.00.00.
Rest as a clear charge upon every Lot	17442.13.04.

2. And after that rate is to be computed for every greater or lesser quantity, the persons that complain to be grieved by sales for non-payment of Taxes, making out their Titles under the fourteenth part Indenture to the respective proportions by them claimed.

4000. Acres CREDITOR.

3. After severall Adjudications there were great disputes as well between the Countrey amongst themselves to the proportions allotted out of every Town, as between the Countrey and Adventurers, whereby the Possession was detained from from the Adventurers, and the 95000. Acres was a long time in severing from the Countrey, and dividing into Lots and proportions.

4. And although part of the 95000. Acres which was in the first adjudication, was posselt before Michaelmas 1653. yet that part which was in the second could not be posselt till 1654. and therefore by a medium the profits received are charged to commence from Michaelmas 1653. for the whole Lot of 4000. acres, at 2 s. 6 d. per acre, per ann. comes to 500 l. per ann. and for nine years and a half to be determined at Lady day 1663. makes



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## The Answer of the parties Disposselt.

As to the new Adventurers Account for Moneys expended upon each Lot of 4000.  
ed in six Paragraphs.

### DRAINING.

1. That the new Adventurers have not performed your Lordships Order of the 24. of O
2. own account, which declares their account to be an account of moneys expended for
3. onely make their charge out of the Tax-roll, of what hath been imposed upon the Lands
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### IMPROVEMENT.

As to their Improvement, consisting of eight Paragraphs, the parties disposselt

1. As to the charge of *Hafeking* (or taking of the uppermost grafs) and *burning* of the Land  
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2. As to the *interest* as well in the fourth and fifth Paragraph foregoing as in this; they answ  
the effect ceaseth, no Principal no Interest.

3. As to *Sub-divisions*, they were performed in every Lot by the first adventurers under whom  
sibly some *Sub-divisions* of those *Sub-divisions* were made by the new Adventurers since 1649. b  
acts of *Sub-tenants*, being of private, not of publick use.

4. As for *planting*, &c. it is the work of *sub-tenants*, and very rare to be seen in that *Level* (ic  
but not generall upon every Lot, or *Sub-divisions*, and not publick.

5. As to *Building*, &c. they were not allowed, when the parties were disposselt, and they ha  
*repossession*. But those are rare also to be seen in any Lot, and those that are, are according to the  
vate and not publick, cannot be allowed.

6. As to *Gates*, *posts*, &c. for those of publick use, there is *Toll* paid: for those of private use,  
count, because most Lots are of different *nature*, and employed to different *use*.

7. As to *State-taxes* and *Armes*, in obedience to the Act of Oblivion, and not otherwise, c  
objection to the allowance, but *suspend* it.

8. As to *Wages*, &c. the parties disposselt will allow all *just salaries* when they are brought into

1. As to the *total Charge* (accounting mean profits at 4750 l.) they say the whole charge is  
To which the parties disposselt answer, that we conceive they mean by the *total Charge*, eith  
*conjecture*; for who paid it, or who received it, or who expended it, doth not appear. If it we  
count, it may be made publick, if upon some particular *Lots*, and not upon every Lot, it ought  
a rule to the rest. But admit it were (as they say) yet it will be evident by the subsequent accou  
venturers charge (accounting Interest as they do) up to the year 1663. for each Lot, the charge  
(and no mean profits) so that the old Adventurers do out-balance the new, both in the *total*  
and in *Law*.

2. As to the *Title*, it is sufficiently set forth in the following *Narrative*.

3. As to the 4000. Acres *Creditor*, and the disputes of the *Countrie*, that also is fully set forth

4. As to the *value* of the Lands at 2 s. 6 d. per acre, we cannot admit that *low value*.  
First, Because it is lesse then the draining Taxes inserted in their account, Fig. 1. 2. & 6. and  
Secondly, It is contrary to the 7. Paragraph of their account for *Improvements*, where they  
per acre, whereby it is evident, that the *Countrie* valued those Lands at 10 s. per acre (the publi  
6 d. in the pound upon the yearly *Rent*.

These are short *Objections*; but if your Lo}ships please to peruse the following *Narrative*  
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## The Answer of the parties Dispossess.

Adventurers Account for Moneys expended upon each Lot of 4000. Acres, for Draining, &c. contain-  
Paragraphs.

### DRAINING.

The new Adventurers have not performed your Lordships Order of the 24. of Octob. (nor pursued the Preamble of their  
Account, which declares their account to be an account of moneys expended for Draining and Improvement) for they  
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### IMPROVEMENT.

For Improvement, consisting of eight Paragraphs, the parties dispossess do particularly answer.

Charge of Hacking (or taking of the uppermost grafs) and burning of the Lands, is a charge born by the under-ten-  
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order-tenant, so it was no publick charge, nor to be allowed by the parties dispossess.

As well in the fourth and fifth Paragraph foregoing as in this; they answer, that the cause being taken away,  
no Principal no Interest.

As for the Sub-divisions, they were performed in every Lot by the first adventurers under whom the parties dispossess do claim: but pos-  
sions of those Sub-divisions were made by the new Adventurers since 1649. but they are also to be considered as the  
being of private, not of publick use.

As for the work of sub-tenants, and very rare to be seen in that Level (it may be) upon a part of some one Lot,  
on every Lot, or Sub-divisions, and not publick.

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L. S. D.

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00. Acres Creditor, and the disputes of the Countrey, that also is fully set forth in the ensuing Discourse.

Value of the Lands at 2 s. 6 d. per acre, we cannot admit that low value.

It is lesse then the draining Taxes inserted in their account, Fig. 1. 2. & 6. and so not probable.

Contrary to the 7. Paragraph of their account for Improvements, where they say that the publick Tax came to 3 d.  
it is evident, that the Countrey valued those Lands at 10 s. per acre (the publick Assessment not usually exceeding  
upon the yearly Rent.

For Objections; but if your Lordships please to peruse the following Narrative, the whole matter is more fully dilated  
to your satisfaction.



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May it please your Lordships,

Our preceding Answer, could not contain such Allegations as are fit to be known by your Lordships before you passe your censures upon the grounds of our contests, or propose ways of composing them: and therefore give us leave to enlarge our selves in this Narrative; assuring your Lordships, that though it may seem long, yet the nature of the thing requires it (almost every Paragraph consisting of new matter.)

In the first place, as to the Title;

1. It is agreed on both sides; That by a Law made at Lyn <sup>13. Jan. 6. Car.</sup> (to which there was the Royall assent) Francis Earl of Bedford was made Undertaker of that Levell (from thence called Bedford Levell) consisting of 365000 acres of Fen Grounds) and he and such participants as he should chuse, were to have 95000 acres for the draining thereof: soon after he chose <sup>17. Feb. 7. Car.</sup> to himself, who in a 14<sup>th</sup> part deed did covenant with each others to raise such summes as should be needfull for the effecting thereof. These 14 were made into a Corporation, and by a Charter Royall severall immunities and powers to make <sup>13. Mar. 10. Car. 1.</sup> By-lawes were granted to them.

By vertue of which said Law, deed of Covenants, and Royall Charter, the work was done within six years (being the time limited by Lyn Law for the doing thereof) and it was accordingly adjudged drained by Laws made at Peterborough, <sup>13. June 13. Car.</sup> Saint Ives, and Wisbich. <sup>17. June 13. Car.</sup> <sup>11. Aug. 1.</sup>

And afterward by a second Law made at Saint Ives, the <sup>12. Oct. 13. Car. 1.</sup> 95000 acres, according to Lyn Law and the Royall Charter, were set out butted and bounded, and thus distributed, viz: 10000 acres to his Majesty, 2000 acres to the Earl of Portland, and 3000 acres set aside for Contingencies, and the remaining 80000 acres were divided into twenty Lots, and distributed amongst the fourteen Adventurers, each Lot containing 4000 acres.

Now upon this Adjudication, 40000 of those 80000 acres

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were

were to be free to the first Adventurers, their heirs, &c. and the other 40000 acres to be perpetually liable to the maintenance of the works. Which 40000 acres (with the 3000 acres) were judged as a sufficient provision for their preservation, so that the aforesaid 14<sup>th</sup> part deed of Covenants (for raising necessary summes) did here determine (saving as to shew who were the first Undertakers and Contractors;) for it is evident none of them failed in payment; it appearing by an account given in upon Oath by the Earl of Bedford, stated the 24. of Decemb. 1637. that the old Adventurers were then out of purse 186956 l. 16 s. 6 d. with which these eminent works were done, and many others of lesse consequence omitted for brevity, viz.

Works	Bedford River	Sandys Cut	Sluces	At Tidd
	Bevills Leame	Mortons Leame		At Well
	New South Ea	Hills Cut		At Irith
	Sams Cutt	Mildnall Cut		At Saltiers Load
	Shire Draine	Pea-kirk		At Cloves Crofs
		Great Borrough Bank		At the Horse-shoode

Besides Dikes for the subdivision of the Lots, which cost neer as much as the other; most of which Works, notwithstanding the disputes mentioned in the second page of the new Adventurers Account, and the Wars and Commotions do stand good (needing onely scouring) and are usefull to this day (except one necessary Sluce, which cost about 9000 l. was taken up and given to Mr. Thorlow.) And thus stands the Title, the Charge, the Proceedings, and the old Adventurers Works, till the 29. of May 1649.

2. But on the 29. of May 1649. fifty seven persons (mentioned in a pretended Act (and wherein none of the parties disposed are in the least named) did invest themselves with a power, by colour onely of that pretended Act, to support the said Level by further draining and improvement thereof, and thereby did (as they mention in their account) impose and levy

Taxes



Taxes upon pretence also of *Law, Justice and Necessity* of preserving that *Work*.

Now, may it please your Lordships, it will appear by the following Discourse, that these Taxes were *illegall, unjust and unneccessarie*.

3. First, as to the *illegalitie*: There was no other publick or warrantable Law in this case, save onely the *Law of Lyn*, which did make the 95000 acres liable to the carrying on of the work, till it was adjudged, and then 40000 acres to be perpetually liable to the maintenance thereof: So that before any Tax ought to have been thought of, they were to repair to the 40000 acres, or to the Owners thereof, and to no other Lands, or persons, whose Meets, Bounds and Proprietors are known to this day, and they had no Law for doing otherwise.

And they did not onely act against this *known Law*, but against their own pretended *Act*, or Law: For by that *Act* of 1649. upon sale of such Lands (as were to be sold by power thereof for non-payment of taxes) the overplus of the sale (beyond the tax) was to be restored to the owner; but, on the contrary, they sold 2700 acres of Sir Miles Sandys his Lands for non-payment of 843 l. tax to Mr. Thomas Bales, who was never privy to the said sale, or paid any part of the said 843 l. tax. But soon after this counterfeit sale Mr. Henly (as himself hath confes'd) sold 2000 acres thereof to Mr. Trenchard for 5000 l. yet never restored either the remaining 700 acres, or 4157 l. being the surplusage of the said sale of 2000 acres; for the Sellers were the Buyers.

The like was in the Earl of Arundel's case, where they sold 5000 acres for non-payment of 1100 l. tax, and soon after sold the same for 11000 l. yet never restored the surplusage to the said Earl. Besides, they made several sales after their adjudication in 1653. which was contrary to their pretended *Act*, so that they acted neither according to Law, nor according to their own pretended *Act* or Law.

Secondly, Their Tax was *unjust*, because at May 1649. every Lot or Share (consisting of 4000 acres) when it was *united*  
in

in any one of the old *Participants* possession, an *Acre-tax* (as this was) might be equal, because there was *bad, better, and best* ground (as it were united) but the Lot being *subdivided* into several *parcels*, it was *unequal*, that the Lands worth but one shilling *per acre*, should pay as much as those that were worth one pound *per acre*:

Besides it is discovered, that those *Artists* so well understood the *source* of their *waters*, that they could make good Lands *bad*, or bad good, according as they studied their own private *advantages*. Thus many were tired out, and by this art Mr. *Latch* bought as many Lands upon *forfeiture*, for about 300 l. tax, as soon after he sold for about 30000 l. So it was unjust both on *inequality* and *private advantages*:

Thirdly, This Tax was also unnecessary; for if they had kept to the rule of the said 40000 acres, it being evident (as shall be hereafter shewn, that they were worth one with another above 5 s. *per acre*) they would have yielded above 10000 l. *per ann.* to which adde the 3000 acres (set aside for *Contingencies*) yielding at the same rate 750 l. *per ann.* and the King and the Earl of *Portland* 12000 acres (which they got into possession) yielding at 10 s. *per acre* 6000 l. *per ann.* would have yielded in the whole 16750 l. *per ann.* (besides toll of *Bridges, Boats, Chains, &c.*) which for 13 years would have produced at least 217750 l. which (is conceived) to be much more then they have justly expended in *draining* or *improvement*; for it is certain, the old works required no more then *scouring* and *cleansing*; and it is as evident, that most of their chief new works are either by themselves slighted, as *Vermudens Ea, &c.* or of dangerous use, as new *Bedford River* done (as it were on purpose) to destroy the old *River* aforesaid, made by *Francis* Earl of *Bedford*: So that it is manifest that these *Taxes* being the ground and cause of all our *Disputes*, were *illegally imposed, unjustly prosecuted, and unnecessarily expended*.

4. Upon this we and many others being agrieved, yet knew not how to be redress'd, till his *Majesty's* happy Return, and then we preferr'd our Bill to the *Parliament*, to have

have all things concerning this *Levell* reduced to its ancient and just government, according to *Lyn Law* and the *Royal Charter*. Yet for more then two years the new Adventurers by temporary acts, &c. have kept us out of possession. And notwithstanding the *Vote* of the *House of Commons* upon deliberate hearing for our re-possession; yet they have by *Petition* obtained a *Reference* from both Houses to his Majesty (meerly to delay restitution) who upon hearing, was graciously pleased to commit the same to your Lordships, and according to the *Order* of the *Council* of the 24<sup>th</sup>. of *October* last, the new Adventurers have put in their account; to which we shall humbly give a more full answer, and according to the method prescribed to us in that *Order*.

1. And first, by the said *Order*, we who are dispossessed are to give in what we have expended about that *Levell* since the pretended act of 1649.

1. To which we answer, That none of us have expended any thing since that time (save in the great charge of these last two years contest) except the *Earl of Arundel* and *Sir Miles Sandys*, whose particular cases are hereto annexed.

2. By the said *Order* we are to give in our *Estimate* of the value of the *Lands* whereof we are dispossessed.

To which we answer; 1. That your Lordships may be satisfied (as we are) by the testimony of honest and sufficient persons, that before 1649. and the mediate years following, and before any of their adjudications, there were as great and considerable crops, and other advantages made of the grounds, as hath been ever since.

2. Besides, it appears by the several *Sales* and *Mortgages* (being twelve in number) which *Sir Miles Sandys* and his *Trustees* made between *May* 1649. and *April* 1650.) that he sold at twelve years purchase and 5 s. per acre.

3. And the new Adventurers themselves before 1651. did sell the *Kings Lands*, and most of the *Lands* of the parties dispossessed before any new works done, and before any adjudication at the same rates.

4. It is evident by their account, in the seventh Paragraph



graph of their *Improvements*, that the 95000 acres were valued as to *publick Assessements*, at 10 s. *per acre*, or else it would not have afforded 3 d. *per acre* to the *publick Charge*, so that if we value the Lands at lesse then 10 s. *per acre*, it is in compliance to *peace*.

3. By the said Order the parties dispossessed are to give in their Charges.

To which we answer, That (asbefore is mentioned) the old *Adventurers* were out of purse in Decemb. 1637. the summe of 186956 l. 16 s. 6 d. which at single interest do produce so great a summe, that at the year 1663. each Lot of 4000 acres, is Creditor to the old *Adventurers* above 28764 l. 12. s.

4. By the said Order the parties dispossessed are to make such defalcations to the new *Adventurers* accounts (as they can.)

1. To which we except, first, as to their own *Preamble*, in the six first *Paragraphs* of their account, they onely mention the tax of every Lot, and interest thereupon, but not one syllable of any *Work*, or *Drain*, *Sluce*, or *Cut*, done by them (as we have shown on our parts) or how the said tax so charged upon each Lot was expended, or what particular sales they retained from the Owners, or how the same were disbursed, as is promised in their *Preamble*; for upon examination of their Books it will appear, that somebody received the said tax, and somebody expended it; but whether upon draining or not, is the question.

2. The truth is, this tax was a meer imposition of Art; for as we who were dispossessed did not pay it, so most of themselves did shift it off, as in the Case of *Sandys*, whereby the greatnesse of the tax did arise as much from the great default in their own *connivances*, as from others non-payment, and thereby raised the taxes rather to supply the defect of those at whom they connived, then from any defect or supply of the old *Works*, or necessary making new.

3. Nor was there need of so great a tax, for by their Books it will be seen, that between 1649. and 1653. (the time of their adjudication) the Sales and Surplusages of Sales which

which they received, did amount to more then the charge of their *drains*, so that there is no reason to allow *principle* or *interest* to each Lot for taxes, when there cannot be a generall rule for every Lot.

4. However we say, that this part of their Account is neither answerable to your *Lordships Order*, nor to the *Preamble* of their account for *draining*; for according to their own account they charge each Lot with 11491 l. 13 s. 4 d. tax from 1651. to our *Lady day* 1653. so that there being twenty Lots, the whole charges of the tax paid upon all the twenty Lots, or 80000 acres, doth amount to but 229833 l. 6 s. 8 d. whereas it appears by the *Tax-roll*, that they received in Taxes from 1649. to 1661. 287770 l. 16 s. 8 d. which is 57937 l. 10 s. 00 d. more then they have accounted, besides what hath been received in taxes since 1661.

But how the difference doth arise we cannot satisfy your *Lordships*, but by a longer time of examining their *books* and *connivances*.

2. Then for the second part of their Account, which concerns Improvements, consisting of eight particulars; 1. By *hassocking and burning*, 2. *interest* for it, 3. *subdivisions*, 4. *planting*; 5. *building*, 6. *Gates, posts, &c.* 7. *publick Taxes*, 8. *Wages*.

1. We say as to the first, second, third, fourth and sixth Particulars, we have already answered upon the side of their account, that they are the Works of *sub-tenants*, and not generall in the *Levell* or Lots, and therefore not to be allowed.

But we shall adde concerning their *burning of ground*, that it is onely fit to be used on Grounds which have fleet and hard bottoms, as in *Devonshire, &c.* but in these *turfie grounds* (upon burning) the fire hath many times run six or seven foot deep, so that what *Nature* intended in time to settle and consolidate into a *soyl* by this *burning* (before maturity) her whole work is consum'd, and the ground destroy'd instead of improvement.

2. As to the fifth for *Building*; If either *Church* or *Chappel* had been built by them according to *Lyn Law*, or the *Royall Charter*;

*Charter*, we should have allowed the charge; but the rest being for the pleasure or convenience of some few Owners or Tenants, cannot be allowed upon the publick Account.

3. As to the seventh for *Assessments*, at 3 d. *per acre* we allow, because they manifest the values of our Lands to be at 10 d. *per acre*, and not 2 s. 6 d.

4. As to the eighth for *wages* (amounting to 10687 l. 10 s. upon the 20 Lots) what are just we allow, but not unnecessary salaries, or superfluous gratuities: but to these which we may allow, we might very well alledge, that the new Adventurers were never made our Expenditors.

However to pass by these particulars of their account.

1. They say that the summe totall of their charge for each Lot is 22 192 l. 13 s. 4 d. But if your Lordships please to consider the old *Adventurers accounts* before specified with the following computation, your Lordships will see that the old Adventurers had reason to complain, and the new ones none.

2. As to that part of their account where they make every Lot or 4000 acres *Creditor*, we say, 1. That the reason they give your Lordships (why they do not charge any *mean profits* from the pretended *Act* in 1649. to their adjudication in 1653. which is four years) is not sufficient, for there were great profits made of the Lands in those years: and if the Country did dispute with them, and endeavour to keep possession for us, we have reason to thank the Country, and not the new Adventurers, who onely dispossessed us.

2. That though they had no certain *mean profits*, between 1649. and 1653. yet it is evident that in those four years by *surplusage* of sales of more then 53000 acres of Lands of the parties dispossessed, (including his Majesty's 12000 acres) computing that every 2000 acres did yield 4000 l. at least, as is evidenced in the Earl of Arundel's and Sir Miles Sandy's Case: and so of the rest, which we omit for brevity) they did raise at least 106000 l.



3. As to the last part of their *Credit* concerning the value of their Account of the Lands at 2 s. 6 d. *per acre* in the side of their *account*, we have fully shown that it is not probable that the mean *profits* should be less than the draining Taxes in their account.

2. It hath been proved that the Lands did yield higher Rates in 1649.

3. And that the new Adventurers did sell between 1649. and 1651. at higher Rates.

4. The Country in their *Assessments* (as themselves confess) did value them at 10 s. *per acre*.

5. So that the Lands are to be valued at 5 s. *per acre* at least, or otherwise they make a clear *confession*, that they have *impoverisht* the Lands instead of *improving* them, if they should be reduced from 10 s. *per acre* to 2 s. 6 d. which possibly may be in some *Lots*, but not in all.

6. And though they have disperst those *disgraces* and *undervalues* of our Lands, *spoiled* our Grounds, and kept us out of possession by *delaies* and *artifices*, yet we onely give these moderate and satisfactory answers to their account, whereas we might have charg'd them with the receipt of other great and vast *summes*, and the mis-spending the same, and might also bring considerable *actions* against the Earl of *Bedford* for Breach of Covenants. All which we decline to testify our desires to the support of a work so beneficial to this Kingdom, and therefore do humbly tender this fullowing account to your Lordships consideration.

*The old Adventurers or parties dispossess, their account, stated two wayes.*

The first way.

1. It is evident that the old <i>Adventurers</i> Account was stated in <i>Decemb. 1637.</i> at 186956.16. 06. the single Interest of which to our <i>Lady day 1663.</i> (as is before exprest) makes the charge of each Lot to be 28764.12.00. but accounting no further then <i>Decemb. 1649.</i> it is but	16486.08.00.
Between <i>Dec. 1649.</i> and <i>Dec. 1653.</i> the Lands of the old <i>Adventurers</i> were sold at more then 2 l. <i>per acre</i> (besides Taxes) which surplufage of sales (by their pretended Act of 1649.) was to have been restored to the owners, so that upon each Lot of 4000 acres sold at 2 l. <i>per acre</i> , there was raised (as is before demonstrated)	8000.00.00.
The single Interest whereof accounting from <i>Dec. 1651.</i> (being the medium of four years between 1649. and 1653.) to our <i>Lady 1663.</i> amounts to	5520.00.00.
So the totall charge of each Lot thus accounted, is	30006.08.00.
2. The originall charge of each Lot (as above said) is	16486.08.00.
The mean profits of 4000 acres at 5 s. <i>per acre</i> is 1000 l. <i>per ann.</i> which being accounted from <i>Decem. 1651.</i> (the medium as aforesaid) to our <i>Lady 1663.</i> at	11500.00.00.
Single interest for the same time amounts to	690.00.00.
So the totall charge of each Lot thus accounted, is	28676.08.00.

The second way.

The

*The new Adventurers Account.*

The utmost summe which the new Adventurers do charge upon each Lot (as appears in their account, to which there are sufficient reasons for defalcations of the greatest part) is but

Which compared with either 30006.8.0.  
or with 28764.8.0.

as on the other side of this account, it is evident that the old Adventurers charge is greater by

or

(for each Lot of 4000 acres) then the new Adventurers can pretend to by their own account (if admitted.)

22192.13.4.

7813.14.8.

6571.14.8.



The summe of what hath been writ is,

1. That the Title of the old Adventurers is legall and just.
2. That the works which they have done are many, great, solid and continuing.
3. That by their Lawes there were and are meanes sufficient for the maintenance of those Works without that way of taxing.
4. That their old Adventurers charge have been many thousand pounds more then the charge of the new Adventurers.
5. That the old have perfectly obeyed your Lordships Order, but on the contrary the new Adventurers have not proceeded cleerly, either with your Lordships or us, as hath been shewn.

So that the parties dispossessd humbly conceive, that they have justly and fully satisfied your Lordships, that Law and Equity is on their sides, and that there need not further answer to the new Adventurers venturers accounts, or allegations, why Possession should not be restored.

But before we conclude, to prevent any mistakes or misapprehensions in our Claims, it is fit your Lordships should be informed, that there are three Interests at present concerned in this Levell: The first Interest is of

1. Severall persons which are or claim under the old Adventurers, who have kept possession and undergone all the burden for support of that Levell, viz. William Earl of Bedford, and others.

And it is just that those should continue quiet in their possessions.

The second interest is of

2. Severall persons which are or claim under the old Adventurers, whose Lands were sold by colour of the pretended Act of 1649. for non-payment of Taxes: And these are of three sorts:

	Acres.
1. Viz. His Majesty and the Earl of Portland for	12000
The Lord Anglesea for	1000
The Lord Culpepper for	1000

Which are restored since his Majesty's return, and no disquiet is intended to their possession.

2. The

	Acres.
2. The Earl of Bullenbrook for	2000
Sir John Hewet for	4000
Sir William Terringham for	5000
Coll: Phileps for	1000
Sir John Eatin for	500
Mr. Hoblin for	3600
Mr. Vanhazden for	2800
Dr. Sames and those under him for	4000

Who never paid Taxes, who being either beyond Seas, or positively refused; and those we conceive ought to be *restored* to possession.

3. The Earl of Arundel (for 6000 acres) and Sir Miles Sandys for 10375 acres (whose cases are distinct from the rest) because after 1649. they did *passively* pay Taxes (as long as they were able) but in respect their two Actions do not concern the Trustees of the said Earl, or Coll: Sandys, upon whom these Lands were conferred for satisfaction of Debts (as appears by their two cases annex'd) it is conceived there can be no just particular allegations against their *re-possession*.

3. The third Interest is of two sorts; First, of severall persons concerned in this Level, who under the Title of *new Adventurers*; yet in truth some of them are and doe derive themselves immediately from the *old Adventurers*, viz. the Lord Gorg, and others.

Though something may be said for his Lordship in point of *prudence* and *ingenuity*, yet no *disquiet* is intended to their *possessions* (provided his Majesty shall not take such into consideration) who being old Adventurers, did after the Act of 1649. *purposely* suffer their Lands to be sold for non-payment of Taxes, either through *diffidence* of his Majesty's title, or other *unjust* or *defrauding* ends (of which there are *examples*) and immediately bought the same Lands again under that pretended Act.

2. Those who came in meerly under the Act of 1649. as Mr. Chichly and others, though something may be said for him

him, in regard he purchased the Lands belonging to his *Manour* of *Soham*: But those, and those onely, who *bought* the Lands of the parties dispossessed, (by power of the said pretended Act in 1649. who have no mediate or immediate title from the parties dispossessed (claiming under the first fourteen Adventurers for this Level) are the *persons* and *parties* from whom onely we aim to have re-possession.

Which we hope, and is the rather believed to be more *just* and *equal*, in regard his *Majesty* (notwithstanding all pretences (of *building*, *planting*, *publick charges*, &c.) at your Lordships Bar (by the Purchasers of Crown Land) is *restored* to his 12000 acres, and some others to their shares upon the same *Levell* and *Title*; The *Clergie* and *Nobility* to their *Interests* and *Priviledges*; and we humbly conceive it is both *just*, *equal* and *honourable*, that his Majesty's *Loyal* and *Suffering* Subjects and *Commoners* should be restored to their *Rights*, with their *just* dues, especially being voted into them by the honourable *House of Commons*, after several *Hearings* and *mature deliberations*.

The



The VOTE of the HONOURABLE  
HOUSE OF COMMONS.

Die Mercurii quin. Januar. 1661.

Resolved upon the Question,

**T**hat the Committee to whom both the Bills concerning the great Levell of the Fennes, called Bedford Levell, are committed, do consider of both Bills, and provide that the Works may be maintained, and do insert the names of Coll: Sandys and Sir VVilliam Terringham, and the other persons who have the like Claim, into the Bill, and do preserve their Rights, and do erect a Judicature to give Recompence where they shall see cause.

That by the Bill Coll: Sandys and Sir VVilliam Terringham may be put into possession of such part of the Levell as was set out for the Lot of Sir Miles Sandys and Sir Thomas Terringham, according to their severall Interests under the fourteenth part Deed.

And afterwards, upon several days debate about the Bill depending in the said House concerning the said Level, all the parties dispossessed (claiming under Francis Earl of Bedford) were vested into the actual Seizin and Possession of their respective Shares and Lots therein, and constituted Conservators of the said Level.

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My Lords,

I have for more then eight years made it my study to understand the affairs of Bedford Levell, especially in the coming in, the standing, and going out of its Waters, and for more then two yeares past been privy to the contest for some Shares of it. My inducements to these inspections were, first, That having married my onely daughter to Coll: Sandys his son, I did look upon his shares as a good reserve for satisfaction of some debts wherein he stood engaged with Sir Miles Sandys, whenever a just time should happen to restore them.

2. Being by birth of Norfolk, and by my own transplantation of Suffolk, the two chief Counties bordering upon that Levell (and from whence 15238 acres are taken to support that Adventure) I thought it my duty to see wherein those Counties were either injured or advantaged.

3. How so great a proportion of grounds (by a just management thereof) might qualifie the expences of the Nation.

4. To satisfie my historicall speculations why Cromwell first deprest the old Adventurer, and then set up the new one in 1649.

In order to my satisfaction herein, I had some peculiar advantage, because the Lordships and Lands of my neer friends and relations did bound the whole East side of that Levell, viz. from Lyn to Mildnall; and Coll: Sandys Estate (by Sir Miles) was disperst in the South, West, and North parts of it, so that I gained almost a generall survey of the Levell, especially in its indrafts and outfalls; and thereupon at the importunate request of the dispossessed, and by their instructions I have now presum'd to give a general state of this business to your Lordships; and also in particular to represent the Cases of the Earl of Arundell and Coll: Sandys; which two (as I said) differs from all the rest in bulk and equity, and yet gives a great light to the whole.

H

2. As



### 1. As to the Earl of Arundels Case.

2 Nov. 1637.

The first way  
of Account.

The Earl did settle his Shares in Bedford Levell upon Sir William Playters and other Trustees for the payment of Debts (which trust is since transferred to Sir Richard Onslow for the same uses) and according to the common charge of the old Adventurers from Decemb. 1637. to Decemb. 1649. (as is before mentioned) the charge of each Lot upon single Interest, did amount to 16486 l. 8 s. 0 d. so that the Earl's charge for one Lot and a half, was then at ————— 24129 l. 12 s. 0 d.

Paid in taxes by the said Earl, from 1649. to 1661. at 11 s. 3 d. } 3368.0.0.  
per acre, according to the new Adventurers account for 6000 acres--

The single Interest of which from Dec. 1649. to our Lady 1663. --- 2232.10.0.

The Surplusages of the sales of his 6000 acres, which ought to have } 12000.0.0.  
been restored to him, is -----

The single Interest of which from Dec. 1651. to our Lady 1663. is --- 8250.0.0.

Or thus,

The second  
way of Acc.

The rent of the said Lands at 5 s. per acre, amounts to --- 17250.0.0.

The single Interest for the years rents thereof is ----- 1030.0.0.

So that the Earl for his 6000 acres, according to the first way of } 349862.0.0.  
accounting (with the taxes paid from 1649. to 1651. his charge is--

Or according to the second way of accounting (including taxes } 347897.0.0.  
paid between 1649. and 1651. his charge is -----

### 2. As to Collonel Sandys his Case.

It differs from the former, for the Earl's title is derived from mediate original Adventurers; but Sir Miles Sandys the Father being an original Adventurer, Sir Miles Sandys the Son living in the Isle of Ely (the heart of the Level) by their Credit, Interest and Hospitality to all the old Adventurers and their dependants (for many yeares at a great charge) gave the first life and continuance to this great work; and thereupon the Father was made Deputy-Governour, and the Son one of the Bayliffs under Francis Earl of Bedford, the Governour thereof; to support whose credit and that work, Coll: Sandys became engaged with the Father and Son in at least 50000 l. principal debt: whereupon all their shares, consisting of 10375 acres, were conveyed to Trustees, for indemnifying Coll: Sandys from such debts as he did or should stand engaged with Sir Miles.

Now Sir Miles the Son being Survivor between the years 1649. and 1653. (at which time he died) did with his Trustees sell and mortgage severall parcels of the said 10375 acres; and that which Coll: Sandys aims at in demanding the whole, is but to distinguish between reall Sales and Morgages, and such as are really sold by Sir Miles and his Trustees; upon view of their evidence he is ready to confirm, and for such as are Morgages he desires to account (as to their debts) and redeem, and as for the rest he hopes for a great re-possession.

Now Coll: Sandys being Cousin, next Heir and Administrator to Sir Miles the Survivor, and left under the pressure of so great a Debt (besides his own) I was so instrumental, that between 1655. and 1660. by help of Sir Miles's Estate, C. Sandys estate & mine own, that I paid & discharg'd of Sir

Sir Miles's debts 39150 l. and of C: Sandys debts 24150 l. But although there is paid and discharged full 63031 l. debts (besides all charges incident to the dealing therein with 102 Creditors) yet there is a very great debt behind, both of Sir Miles and Coll: Sandys, though in truth the debts, both what is paid and behind, may justly be termed debts contracted upon publick concerns; for as to Sir Miles's debt, there can be no doubt but it was upon the *Fenne Account*; and as to Coll: Sandys debt, it is well known, that a little before the *Wars* he was a purchaser of 8000 pounds worth of Land (without borrowing) and in the *Wars*, at his own charge, he raised two *Regiments* of Horse, and two of Foot, and eight score *Dragoons* (besides *accidentals*) without any pay during that time (save as he was Governour of *Worcester*.)

By which publick Disbursements, and thereby diminution of his Fortunes, he hath no other means left (in respect of ancient Settlements) of doing justice, but receiving it.

Now that Sir Miles charge in this particular may be the more evident, be pleased to peruse this following account.

1. According to the common charge of the old *Adventurers* (as is before mentioned) the charge of each Lot upon single Interest at Decemb. 1649. did amount to 16486 l. 8 s. 0 d. so that Sir Miles charge for 10000 acres, is ——— 41216.0.0. The first way.

Paid in taxes by Sir Miles from Decem. 1649 to Decem. 1651. for } 6210.0.0.  
10000 acres, at 12 s. 6 d. per acre ————

The single Interest thereof ———— 17500.0.

"The *surplusage* of Sales which ought to have been restored to Sir Miles (out of which whatever hath been justly sold by Sir Miles and his Trustees is to be deducted) but according to the rule of 4000 l. for 2000 acres, the Surplus is ———— 20000.0.0.

The single Interest whereof, from Dec. 1651. to our Lady 1653. is ——— 12900.0.

Or otherwise,

Accounting at 5 s. per acre for 10000 acres, and for 375 acres, being his share of 3000 acres set aside for Contingencies, deducting as } 29828.0.0. The second way.  
aforesaid, is ————

The single Interest of which yearly rents amounts to ——— 1725.0.0.

1. So that accounting according to the first way in the old *Adventurers Account*, Sir Miles charge is for two Lots and a half ——— 384116.0.0.

2. Or accounting according to the second way in the old *Adventurers Account*, and then his charge for his share is ——— 82769.0.0.

So his lowest charge is ——— 82769.0.0.

Besides, the *Adventurers* did owe to Sir Miles for money expended by him before 1650. as appears by bills then given in by him 603 l. } 1068.0.0.  
the single Interest whereof, from 1650. to 1663. in total is ———

The totall charge of Sir Miles, wherein Coll: Sandys as Heir, Administrator and Creditor, is concerned, and was (among other considerations) a just ground for the vote for his re-possession, amounts to ——— 85184.0.0.

My Lords,

To conclude, I know, that *mis-understandings* and *discompo-  
sures* have arisen from *constitutions unaduated* for this *affair*,  
which your Lordships *wisdome* and *justice* may with ease con-  
temper.

The chief persons on either side are my friends, and I have  
reason to say, that *punctilio's* of honour (in the mastery of this  
Contest) hath almost drowned the *Case* as much as the *Fenns*  
are now with *Waters*; but as temperate *Springs* may draine  
both these *inundations*, so *nature* will effect where *artifices* do  
not divert: And this the *Country* knows.

In order therefore to the quieting all *Interests* (whenever  
his Majesty please to command my attendance) not as an  
*Undertaker*, but a *Representer*, I shall be ready to deliver my  
sense how the *Levell* may be preserved with more *certainty* to  
those that shall possess the same (either by *purchase*, *descent*, or  
*otherwise*) then hitherto it hath been: for an *enterprize* so pub-  
lick, *ingenious*, *laborious*, and *expensive*, deserves that solid per-  
fection, which is wished by

Your Lordships most humble Servant,



JOHN PETTUS.

FINIS.